

MATTER OF JOLLEY

In Deportation Proceedings

A-18168898

*Decided by Board March 19, 1970*

Respondent, by formal renunciation of U.S. nationality before an American Consul at Toronto, Ontario, Canada, on May 16, 1967, thereby lost United States citizenship under section 349(a) (6) of the Immigration and Nationality Act, he being presumed under section 349(c) of the Act to have voluntarily performed the expatriating act since he has not testified or offered any evidence to support a conclusion that his renunciation was other than voluntary.\*

CHARGES:

Order: Act of 1952—Section 241(a) (1) [8 U.S.C. 1251(a) (1)]—Excludable at time of entry, to wit, immigrant, no visa (section 212(a) (20); 8 U.S.C. 1182(a) (20)).

Lodged: Act of 1952—Section 241(a) (1) [8 U.S.C. 1251(a) (1)]—Excludable at time of entry, to wit, person who departed from or remained outside United States to avoid or evade training or service in the armed forces in time of war or national emergency (section 212(a) (22); 8 U.S.C. 1182(a) (22)).

ON BEHALF OF RESPONDENT:

Peter E. Rindskopf, Esquire  
859½ Hunter Street, N.E.  
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(Brief filed)

ON BEHALF OF SERVICE:

Irving A. Appleman  
Appellate Trial Attorney  
(Brief filed)  
Joseph W. Monsanto  
Trial Attorney  
(Brief filed)

This is an appeal from an order of a special inquiry officer dated November 25, 1968, finding the respondent deportable on both charges above stated and granting voluntary departure within 90 days, with an alternate order for his deportation to

\* Reaffirmed, 441 F.2d 1245 (C.A. 5, 1971).